

# **COUNTY OF YORK**

## **MEMORANDUM**

**DATE:** April 6, 2005 (4/19/05 BOS Mtg.)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator

**SUBJECT:** Application No. SE-16-05, Tidewater Development Company, LLC

### **ISSUE**

This application requests a Special Exception, pursuant to Sections 24.1-245(c) and (d) of the York County Zoning Ordinance, to authorize disturbance of the required 45-foot Greenbelt Buffer along the Mooretown Road frontage of property proposed to be developed as the Williamsburg Marketcenter retail complex. The subject property is further identified as Assessor's Parcel Nos. 2-34 and 2-19-B3.

### **BACKGROUND**

The Williamsburg Marketcenter development was authorized by Special Use Permit approved by the Board of Supervisors on January 18, 2005 through the adoption of Resolution No. R05-8. Section 24.1-245(c) of the Zoning Ordinance states that greenbelts "shall be left in an undisturbed natural state, unless the board, after conducting a duly advertised public hearing, authorizes clearing or development."

### **CONSIDERATIONS/CONCLUSIONS**

1. The applicant's basic reasons for this request are to:
  - allow the finished grade of the site to be brought up to the elevation of the adjacent Mooretown Road (Section A-A area);
  - to allow the back side of an existing berm to be graded to gradually tie into the elevation of the adjoining proposed Outparcel #6 (Section B-B area); and
  - to allow the significant depression at the proposed Outparcel #8 to be filled to create a building site approximately level with Mooretown Road.

All of these disturbances within the Greenbelt require authorization by the Board of Supervisors under the terms of Section 24.1-245(c) of the Zoning Ordinance.
2. The subject property is part of the 314-acre "Bullifants" tract that was reclassified to Conditional EO-Economic Opportunity in December 1998. The proffered condition associated with that rezoning was that a 35-foot landscaped buffer would be maintained along both sides of Mooretown Road. The proffer does not stipulate that the area be maintained in an undisturbed condition and envisions that it might eventually include a combination of existing vegetation, new landscaping, berms, walkways and driveway entrances, all of which is subject to administrative review (according to the proffer) by the Zoning Administrator. The Greenbelt provision established by the Zoning Ordinance overlaps and effectively "trumps" this proffer – thus making any disturbance subject to approval by the Board. Nevertheless, should the Board decide

to allow the requested disturbance, there would be no conflict with the underlying proffer.

3. The filling and grading that the applicant proposes at the frontage of Outparcel #4 (next to the joint entrance that will be shared by Home Depot and the Marketcenter) is intended to bring the grade of that lot up to the approximate elevation of Mooretown Road. Currently, the portion of this lot closest to the access drive is more than ten feet lower than the elevation of the drive and Mooretown Road. Side slopes along both are steep and a guardrail is in place because of the grade differential. Erosion is beginning to undermine the guardrail support posts. In addition, a large culvert conveying drainage from the hospital side of Mooretown Road discharges into this low area. There are a few mature trees in this area.

The applicant proposes to raise the grade to establish a gentle slope from front to back on the outparcel (see cross-section A-A). The drainage outfall would be piped, thus eliminating the erosion and scouring potential at the edge of the Mooretown Road right-of-way. In addition, the elimination of the steep side slopes and significant grade differential should, subject to VDOT approval, allow the guardrail to be removed. The applicant proposes to establish new landscaping within this area (the 45-foot Greenbelt width) in accordance with the planting ratio for unvegetated Greenbelt Buffers – 90 Landscape Credit Units per 100 linear feet. I believe that the combination of filling, drainage improvements, potential guardrail removal, and landscaping will significantly improve the appearance of this segment of the Greenbelt.

4. The proposed disturbance at the front of Outparcel #6 is intended to create a more gradual slope at the back side of the 45-foot Greenbelt in order to transition to the new grade proposed to be established on the buildable portions of Outparcel Nos. 6 and 7 (see cross-section B-B). In addition, the grading would provide for a gently sloping transition to the grade of the proposed entrance drive between Outparcel Nos. 6 and 7. The mature trees along the front portion of this segment would remain and would be supplemented by new landscaping in accordance with the above-noted LCU ratio.

It should be noted that the entrance drive has not been officially approved. As was noted during the Special Use Permit review process for the Marketcenter, the Zoning Ordinance requires that the need for this *third* entrance to the site be substantiated by a traffic impact analysis that documents compliance with certain standards. I anticipate that the traffic study that will be submitted with the site plan for the Williamsburg Marketcenter project will document this need and, therefore, I believe it would be appropriate for the Board to consider approving the proposed disturbance in this area, conditioned on the entrance being approved at the site plan review stage.

5. The proposed disturbance at the front of proposed Outparcel #8 involves filling portions of a BMP that has been designed to serve this and adjacent properties. Accordingly, any proposal to impact the functioning of this BMP will need to include proposals for providing replacement stormwater management capacity and capability in either a reconfigured or new facility. In fact, according to the applicant's engineering

consultant, the site development plans for the Williamsburg Marketcenter complex will include appropriate measures and facilities designed to mitigate any modifications to this existing BMP structure.

With this as a prerequisite, I believe that the proposal to fill this area will create a much more attractive frontage along Mooretown Road, eliminating the depressed area that is essentially void of mature trees and that cannot support attractive and easily visible new landscaping in its current topographic condition.

### **RECOMMENDATION**

I believe that the applicant's proposal for grading and re-landscaping within the 45-foot Greenbelt will result in a more attractive road frontage than would be the case if existing conditions were maintained. I believe that this is an appropriate and fitting situation for the Board to exercise its authority to allow disturbances within an existing Greenbelt area and I am of the opinion that the applicant's proposed replacement landscaping will complement the existing vegetation in the areas to be left undisturbed. Accordingly, I recommend approval of the request, subject to certain conditions as outlined in the attached proposed Resolution No. R05-80.

Carter/3337

Attachments:

- Vicinity Map
- Letter from the applicant dated March 15, 2005
- Plans and renderings (8 sheets)
- Photographs of existing conditions
- Proposed Resolution No. R05-80